

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WISCONSIN**

IN RE: WINDSOR WOOD CLAD WINDOW )  
PRODUCTS LIABILITY LITIGATION )  
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**MDL Docket No. 2688  
ALL CASES**

**CASE MANAGEMENT ORDER NO. 1**  
(Leadership)

This Order shall govern the practice and procedure in those actions transferred to this Court by the Judicial Panel on Multidistrict Litigation pursuant to its Order of April 7, 2016, as well as all related actions that are or may be originally filed in this Court or transferred or removed to this Court. This Order shall also govern the practice and procedure in any tag-along actions transferred to this Court by the Judicial Panel on Multidistrict Litigation pursuant to Rule 7.1 of the Rules of Procedure of that Panel subsequent to the filing of the final transfer Order by the Clerk of this Court and any related actions subsequently filed in this Court or otherwise transferred or removed to this Court.

**I. APPOINTMENT OF LIASON COUNSEL, LEAD COUNSEL, AND  
COMMITTEES**

This section addresses the organizational structure and appointments for all matters that are part of, or will be part of, this MDL.

**LIAISON COUNSEL**

**A. Plaintiffs' Liaison Counsel**

The following attorneys have been elected as the Plaintiffs' Liaison Counsel; therefore, the Court designates them to serve in that position:

Charles J. Crueger  
Erin K. Dickinson  
Hansen Reynolds Dickinson Crueger LLC  
316 N. Milwaukee St.  
Suite 200  
Milwaukee, WI 53202  
Email: [ccrueger@hrdclaw.com](mailto:ccrueger@hrdclaw.com)  
[edickinson@hrdclaw.com](mailto:edickinson@hrdclaw.com)

Plaintiffs' Liaison Counsel shall:

1. Serve as intermediary between Plaintiffs' counsel and the Court; and
2. Maintain and distribute to co-counsel and to all other Liaison Counsel an up-to-date service list.

#### **B. Defendant's Liaison Counsel**

The following attorneys have been selected as the Defendants' Liaison Counsel; therefore, the Court designates them to serve in that position:

Paul E. Benson  
Joseph L. Olson  
Michael Best & Friedrich LLP  
100 East Wisconsin Ave.  
Suite 3300  
Milwaukee, WI 53202  
Email: [pebenson@michaelbest.com](mailto:pebenson@michaelbest.com)  
[jlolson@michaelbest.com](mailto:jlolson@michaelbest.com)

Defendant's Liaison Counsel shall:

1. Serve as intermediary between Defendants' counsel and the Court; and
2. Maintain and distribute to co-counsel and to all other Liaison Counsel an up-to-date service list.

### **PLAINTIFFS' STEERING COMMITTEE**

#### **A. Structure**

The Plaintiffs' pretrial activities in this case shall be managed by Plaintiffs' Steering Committee ("PSC"), as follows:

Plaintiffs' Steering Committee

The following counsel are appointed as members of the Plaintiffs' Steering Committee:

Daniel K. Bryson  
Matthew E. Lee  
Whitfield Bryson & Mason LLP  
900 W. Morgan Street  
Raleigh, NC 27603  
Email: dan@wbmllp.com  
matt@wbmllp.com

Jonathan Shub  
Harper T. Segui  
Kohn, Swift & Graf, P.C.  
One South Broad Street  
Suite 2100  
Philadelphia, PA 19107  
Email: jshub@kohnswift.com  
hsegui@kohnswift.com

Panagiotis "Pete" V. Albanis, Esq.  
Morgan & Morgan, PA  
12800 University Drive, Suite 600  
Fort Myers, FL 33907  
Email: palbanis@forthepeople.com

Melissa W. Wolchansky  
Halunen Law  
1650 IDS Center  
80 S 8th St  
Minneapolis, MN 55402  
Email: wolchansky@halunenlaw.com

Edward A. Wallace  
Amy E. Keller  
Wexler Wallace LLP  
55 West Monroe St.  
Suite 3300  
Chicago, IL 60603  
Email: EAW@wexlerwallace.com  
AEK@wexlerwallace.com

Edward Eshoo, Jr.  
Childress Duffy, Ltd.  
500 North Dearborn Street  
Suite 1200  
Chicago, Illinois 60654  
Email: [eeshoo@childresslawyers.com](mailto:eeshoo@childresslawyers.com)

Jordan L. Chaikin  
Chaikin Law Firm PLLC  
12800 University Drive  
Suite 600  
Fort Myers, Florida 33907  
Email: [jordan@chaikinlawfirm.com](mailto:jordan@chaikinlawfirm.com)

James C. Shah  
Shepherd, Finkelman, Miller & Shah, LLP  
35 E. State Street  
Media, PA 19063  
Email: [jshah@sfmslaw.com](mailto:jshah@sfmslaw.com)

The members of Plaintiffs' Steering Committee shall from time to time consult with Plaintiffs' Lead counsel in coordinating the Plaintiffs' pre-trial activities and planning for trial.

### **LEAD COUNSEL**

#### **A. Structure**

The Plaintiffs shall be represented by one attorney who will serve as lead counsel. The Defendants shall be represented by one or more attorneys to serve as lead counsel. Lead counsel shall coordinate with each other as required by the course of the pretrial proceedings.

#### **B. Plaintiffs' Lead Counsel**

The following attorney has been elected as the Plaintiffs' Lead Counsel; therefore, the Court designates him to serve in that position:

Daniel K. Bryson  
Whitfield Bryson & Mason LLP  
900 W. Morgan Street  
Raleigh, NC 27603  
Email: [dan@wbmllp.com](mailto:dan@wbmllp.com)

### **C. Defendant's Lead Counsel**

The following attorney has been elected as the Defendants' Lead Counsel; therefore, the Court designates him to serve in that position:

Michael P. North  
Arthur Chapman Kettering Smetak Pikala, P.A.  
500 Young Quinlan Building  
81 South Ninth Street  
Minneapolis, MN 55402-3214  
Email: mpnorth@arthurchapman.com

### **E. Responsibilities of Lead Counsel**

Lead counsel shall be generally responsible for coordinating the activities of their respective group during pretrial proceedings and shall:

1. Determine (after such consultation with other members of their Steering Committee and other co-counsel as may be appropriate) and present (in briefs, oral argument, or such other fashion as may be appropriate, personally or by a designee) to the Court and opposing parties the position of their parties on all matters arising during pretrial proceedings;
2. Coordinate the initiation and conduct of discovery on behalf of their group consistent with the requirements of Fed. R. Civ. P. 26(b)(1), 26(b)(2), and 26(g), including the preparation of joint interrogatories and requests for production of documents and the examination of witnesses in depositions;
3. Conduct settlement negotiations on behalf of their group, but not enter into binding agreements except to the extent expressly authorized;
4. Delegate specific tasks to other counsel or committees of counsel, as authorized by the court, in a manner to ensure that pretrial preparation for their group is conducted efficiently and effectively;
5. Enter into stipulations with opposing counsel as necessary for the conduct of the litigation;
6. Prepare and distribute periodic status reports to the parties;
7. Maintain adequate time and disbursement records covering services as lead counsel;

8. Monitor the activities of co-counsel to ensure that schedules are met and unnecessary expenditures of time and funds are avoided;
9. Perform such other duties as may be incidental to proper coordination of their group's pretrial activities or authorized by further order of the court;
10. Appoint additional committees, as necessary, including but not limited to expert, trial, and settlement committees;
11. Receive and, as appropriate, distribute to co-counsel orders from the Court and documents from opposing parties and counsel; and
12. Maintain and make available to co-counsel at reasonable hours a complete file of all documents served by or upon each party except such documents as may be available at a document depository.

Counsel for the group who disagree with their lead counsel (or those acting on behalf of lead counsel) or who have individual or divergent positions may present written and oral arguments, conduct examinations of deponents, and otherwise act separately on behalf of their clients as appropriate, providing that in doing so they do not repeat arguments, questions, or actions of lead counsel and comply with applicable rules and orders of this Court.

## **II. ATTORNEYS' TIME AND EXPENSE RECORDS**

Any plaintiff's counsel who may seek an award of fees or expenses by the Court in connection with this proceeding shall keep a daily record of his/her time spent and expenses incurred, including a specific record of the hours, location and particular activity. The failure to maintain such records and/or sufficient description of the activity will be grounds for denying court-awarded attorneys' fees. Time and expense submissions should be submitted timely, on a quarterly basis, to Plaintiffs' lead counsel for compilation.

**AND IT IS SO ORDERED.**

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The Honorable Lynn Adelman

This \_\_\_\_\_ day of \_\_\_\_\_, 2016